



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

HENDERSON et al.

Serial No.: 10/637,122

Filed: August 08, 2003

For: TREE DATA STRUCTURE WITH RANGE-  
SPECIFYING KEYS AND ASSOCIATED  
METHODS AND APPARATUS

Examiner: To be assigned

Art Unit: To be assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO FILE AN APPLICATION BY OTHER THAN ALL THE INVENTORS  
WHEN ONE OF THE JOINT INVENTORS CANNOT BE REACHED  
[37 C.F.R. § 1.47(a) / MPEP § 409.03(a)]**

This document is a petition to file the above-identified patent application by other than all the inventors on behalf of the available inventors and on behalf of a joint inventor who cannot be reached after diligent effort. This petition is submitted pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a).

Accordingly, the applicants have taken the appropriate steps to comply with the procedures set forth in the MPEP. The steps taken are:

1. This petition is made with the accompanying fee as set forth in 37 CFR 1.17(h).
2. Attached to this petition are declarations signed by the three available inventors, Alex Henderson, Laxminarayana Tumuluru, and Richard Trauben, with the signature block of the unavailable inventor, Monis Rahman, left blank, indicating that the available inventors are

03/11/2004 BABRAHA1 00000007 10637122

03 FC:1460

130.00 OP

Attorney Docket No.: 042390.P17214  
Application Serial No.: 10/637,122

signing the declaration on behalf of themselves and on behalf of the unavailable inventor, as stated in MPEP § 409.03(a)(A).

3. Attached to this petition is proof of the pertinent facts stated in this petition that show the inventor Monis Rahman cannot be reached after diligent effort.

4. The last known address of Monis Rahman is:

93 Rockledge Drive

South Windsor, CT 06074

## **DISCUSSION OF PERTINENT FACTS**

The present application was filed on August 8, 2003 after review and approval from all of the inventors. Attached is an email dated August 8, 2003 from inventor Monis Rahman to the drafting attorney Kerry Tweet indicating that Monis Rahman had reviewed the application and approved filing the application.

On September 16, 2003, upon a request from Angie Farr, legal assistant to Kerry Tweet, Monis Rahman provided his residence address and cellular phone number (see attached email). Monis Rahman also indicated in that email that he would be out of the United States for the next four months and provided a mailing address in Pakistan.

Numerous attempts to reach Monis Rahman have been made since September 16, 2003 and have failed to yield any response from Monis Rahman. Attached are several emails to Monis Rahman inquiring about the declaration papers: Angie Farr sent Monis Rahman an email on December 11, 2003 with an attachment of the declaration papers to the last known email address for Monis Rahman and asked Monis Rahman to respond by January 6, 2004. Monis Rahman did not respond to this email. Legal assistant Tammy Simpson sent Monis Rahman an email on January 27, 2004 inquiring about the declaration papers. Monis Rahman did not respond to this email.

Attorney Greg Caldwell sent Monis Rahman an email on February 10, 2004 asking for Monis's signature on the declaration papers to avoid abandonment of the patent application. This email bounced back to Greg Caldwell (see attached email). Greg Caldwell also tried to call Monis Rahman at his last known cellular telephone number, 011.92300.843.1244, and was unsuccessful in reaching Monis Rahman. Greg Caldwell then sent a letter on February 10, 2004 to Monis Rahman with the declaration papers asking Monis to respond by March 6, 2004 to

avoid abandonment of the patent application (see attached letter). This letter was mailed via FedEx to two addresses: Monis Rahman's last known United States residence address at 93 Rockledge Drive, South Windsor, CT 06074, and Monis Rahman's last known address in Pakistan at 110-B New Muslim Town, Lahore, Pakistan. Attached are the FedEx records indicating that the letter to Monis's Connecticut address was delivered and signed for on February 12, 2004, and the letter to Monis's Pakistan address was delivered and signed for on February 14, 2004. However, we have yet to receive a response of any kind from Monis Rahman to these communications.

### **Conclusion**

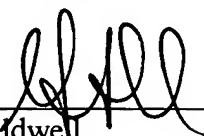
Based on the foregoing facts and attached evidence, the Applicants respectfully request that this Petition to File the Patent Applicant by Other Than All the Inventors be granted. The petition fee is included herewith.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. It is respectfully requested that the undersigned be contacted by telephone if it is believed that such contact would facilitate the processing of this petition or further the examination of the present application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 3/3/04

  
\_\_\_\_\_  
Greg Caldwell  
Reg. No. 39,926

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

3/3/04

Date of Deposit

Annie Pearson

Person Mailing Correspondence

Annie Pearson  
Signature

3/3/04  
Date



"Monis Rahman"  
<monis@rahman.com>  
>

To: <kerry\_tweet@bstz.com>  
cc:  
Subject: Re: patent application

08/08/2003 09:09 PM  
Please respond to  
"Monis Rahman"

Hi Kerry,

It looks fine to me. Went through it. No biggies from my side.  
Are you filing any of the other fast-chip provisionals or just  
this one?

Best Regards,

--monis.

----- Original Message -----

From: <kerry\_tweet@bstz.com>

To: <monis@rahman.com>

Sent: Thursday, August 07, 2003 9:46 AM

Subject: patent application

> Hi Monis,

>

> Will you have any comments or suggestions regarding the patent application  
> for a tree-data structure with range-specifying keys?

>

> Thanks.

>

> -Kerry

>

> Kerry Tweet

> Blakely, Sokoloff, Taylor & Zafman LLP

> 5285 S.W. Meadows Rd., Suite 101

> Lake Oswego, OR 97035-3227

> Tel: (503) 684-6200

> Fax: (503) 684-3245

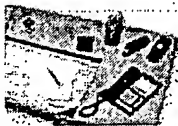
>

>

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>



Angie Farr

09/15/2003 03:22 PM

To: "Monis Rahman" <monis@rahman.com>

cc:

cc: <Angie\_Farr@bstz.com>

Subject: Re: 042390.P17214

If I sent these documents to you via e-mail can you sign them before you leave out of the US? I can have them prepare immediately. Let me know.

Angie Farr

"Monis Rahman" <monis@rahman.com>



"Monis Rahman"  
<monis@rahman.com>

>

To: <Angie\_Farr@bstz.com>

cc:

Subject: Re: 042390.P17214

09/16/2003 03:23

PM

Please respond to  
"Monis Rahman"

Hi Angie:

Please note that I will be out of the US for the next 4 months or so. I am currently visiting my parents in Pakistan. Address is below.

Residence Address:  
93 Rockledge Drive  
South Windsor, CT 06074

Current Mailing Address:  
110-B New Muslim Town  
Lahore, Pakistan

Citizenship:  
U.S.A.

Office Phone:  
011.92300.843.1244 (cell)

Fax Phone: NA

----- Original Message -----

From: <Angie\_Farr@bstz.com>

To: <tlarayana@hotmail.com>; <monis@rahman.com>

Sent: Monday, September 15, 2003 10:54 AM

Subject: 042390.P17214

> Recently, a application was filed tilted "A TREE DATA STRUCTURE WITH  
> RANGE-SPECIFYING KEYS AND ASSOCIATED METHODS AND APPARATUS" of which you  
> were named as one of the inventors. The US PTO Office has sent us a  
> "Notice to File Missing Parts". I need to prepare formal documents for  
you  
> to sign off on in order to respond to the PTO office. I need the  
following  
> information in order to prepare the documents.  
>  
> Residence address:  
> Current Mailing address:

South Windsor, CT 06074

Current Mailing Address:  
110-B New Muslim Town  
Lahore, Pakistan

Citizenship:  
U.S.A.

Office Phone:  
011.92300.843.1244 (cell)

Fax Phone: NA

----- Original Message -----

From: <Angie\_Farr@bstz.com>  
To: <tlnarayana@hotmail.com>; <monis@rahman.com>  
Sent: Monday, September 15, 2003 10:54 AM  
Subject: 042390.P17214

> Recently, a application was filed tilted "A TREE DATA STRUCTURE WITH  
> RANGE-SPECIFYING KEYS AND ASSOCIATED METHODS AND APPARATUS" of which you  
> were named as one of the inventors. The US PTO Office has sent us a  
> "Notice to File Missing Parts". I need to prepare formal documents for  
you

> to sign off on in order to respond to the PTO office. I need the  
following

> information in order to prepare the documents.

>

> Residence address:

> Current Mailing address:

> Citizenship:

> Work phone:

> Fax phone:

>

> Please respond to my e-mail as soon as possible so I can start the  
process.

> Thank you,

>

> Angie C. Farr

> Assistant to Kerry D. Tweet

> Blakely, Sokoloff, Taylor & Zafman LLP

> 5285 SW Meadows Road, Suite 101

> Lake Oswego, OR 97035

> (503) 684-6200 Phone

> (503) 684-3245 Fax

> angie\_farr@bszt.com

>

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> 684-6200.

>

>

>

>



> Citizenship:

> Work phone:

> Fax phone:

>

> Please respond to my e-mail as soon as possible so I can start the process.

> Thank you,

>

> Angie C. Farr

> Assistant to Kerry D. Tweet

> Blakely, Sokoloff, Taylor & Zafman LLP

> 5285 SW Meadows Road, Suite 101

> Lake Oswego, OR 97035

> (503) 684-6200 Phone

> (503) 684-3245 Fax

> angie\_farr@bszt.com

>

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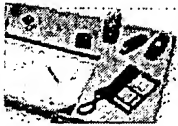
> 684-6200.

>

>

>

>



Angie Farr

12/11/2003 12:30  
PM

To: monis@rahman.com

cc:

cc:

Subject: Re: 042390.P17214

Hello Monis,

I wanted to follow up with you in regards to the e-mail below. You had mentioned you were out of town for 4 months and the deadline for the signed Declaration and Power of Attorney and Assignment form are approaching rapidly. I have a due date of 1/6/04. Please respond to my e-mail and let me know if the formal documents are on there way or, for your convenience, I have enclosed the documents if you would sign where indicated and fax the documents to 503-684-3245 and return the originals to the following address.



Angie Farr - 12-11-03

Angie C. Farr  
Blakely, Sokoloff, Taylor & Zafman LLP  
5285 SW Meadows Road, Suite 101  
Lake Oswego, OR 97035  
(503) 684-6200 Phone  
(503) 684-3245 Fax  
angie\_farr@bstz.com

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"Monis Rahman" <monis@rahman.com>



"Monis Rahman"  
<monis@rahman.com>  
>

To: <Angie\_Farr@bstz.com>

cc:

Subject: Re: 042390.P17214

09/16/2003 03:23

PM

Please respond to  
"Monis Rahman"

Hi Angie:

Please note that I will be out of the US for the next 4 months or so. I am currently visiting my parents in Pakistan. Address is below.

Residence Address:  
93 Rockledge Drive



Tammy Simpson

01/27/2004 04:24 PM

To: monis@rahman.com

cc:

Subject: 042390.P17124

Hello Monis,

I wanted to follow up with in regards to P17214. You had mentioned that you were going to out of the US for 4 months or so, however we are past due for the signing of the Declaration and Power of Attorney and Assignment form.

Are you back or is there a address I can send these form to you for signing? Please response back at your earliest convenience.

Thank you for your attention to this matter,

Tammy

Tammy M. Simpson  
Legal Assistant  
Blakely, Sokoloff, Taylor, & Zafman LLP  
5285 SW Meadows Road  
Suite 101  
Tele. (503) 684-6200 Ext 315  
Fax (503) 684-3245

Greg Caldwell

02/10/2004 12:16 PM

To: monis@rahman.com

cc: Greg Caldwell/bstzsecure@BSTZ, Tammy Simpson/bstzsecure@BSTZ  
Subject: Urgent but simple administrative matter re Intel patent application -  
PLEASE READ

Hi Monis: I am a patent attorney at Blakely, Sokoloff, Taylor & Zafman, a law firm that represents Intel. You may recall working with Kerry Tweet, one of our former associates now with Intel, on drafting a patent application entitled "Tree Data Structure with Range Specifying Keys and Associated Methods and Apparatus", our docket number P17124. We have filed the patent application with the US Patent and Trademark office, and now we urgently need to obtain your signature on a power of attorney document so that our firm can communicate with the US patent and trademark office on your behalf. At the same time, we would appreciate obtaining your signature on an assignment document, assigning your rights in the patent application to Intel. Our nonextendable deadline for providing these signed documents to the US patent office is March 6, 2004. The patent application will be abandoned thereafter for failure to provide these documents to the US patent office.

We understand that as of the middle of September, 2003, you were planning to be out of the country for approximately 4 months. Attempts to reach you since then via this email address have been unsuccessful. In addition, I attempted today to call you on the cell phone number you provided, 011.92300.843.1244. Have you returned to the US? Are you available and willing to execute these documents, and if so, to which address should we send the documents? We have an address in Pakistan as well as Connecticut, but do not know where you are at present. If I do not hear back from you by the end of the week, we will send copies of the documents for which we need your signature to both the Pakistan address and the Connecticut address.

I would very much appreciate receiving a response to this email. If you have any questions or concerns, please do not hesitate to contact me. I would be pleased to hear from you. Best regards, Greg

Gregory D. Caldwell  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
5285 SW Meadows Road, Suite 101  
Lake Oswego, Oregon 97035  
(503) 684-6200 telephone  
(503) 684-3245 facsimile

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Routing path

To: monis@rahman.com

cc: Greg\_Caldwell@bstz.com, Tammy\_Simpson@bstz.com

Date: 12:16:40 PM Today

Subject Urgent but simple administrative matter re Intel patent application - PLEASE READ

Hi Monis: I am a patent attorney at Blakely, Sokoloff, Taylor & Zafman, a law firm that represents Intel. You may recall working with Kerry Tweet, one of our former associates now with Intel, on drafting a patent application entitled "Tree Data Structure with Range Specifying Keys and Associated Methods and Apparatus", our docket number P17124. We have filed the patent application with the US Patent and Trademark office, and now we urgently need to obtain your signature on a power of attorney document so that our firm can communicate with the US patent and trademark office on your behalf. At the same time, we would appreciate obtaining your signature on an assignment document, assigning your rights in the patent application to Intel. Our nonextensible deadline for providing these signed documents to the US patent office is March 6, 2004. The patent application will be abandoned thereafter for failure to provide these documents to the US patent office.

We understand that as of the middle of September, 2003, you were planning to be out of the country for approximately 4 months. Attempts to reach you since then via this email address have been unsuccessful. In addition, I attempted today to call you on the cell phone number you provided, 011.92300.843.1244. Have you returned to the US? Are you available and willing to execute these documents, and if so, to which address should we send the documents? We have an address in Pakistan as well as Connecticut, but do not know where you are at present. If I do not hear back from you by the end of the week, we will send copies of the documents for which we need your signature to both the Pakistan address and the Connecticut address.

I would very much appreciate receiving a response to this email. If you have any questions or concerns, please do not hesitate to contact me. I would be pleased to hear from you. Best regards, Greg

Gregory D. Caldwell  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
5285 SW Meadows Road, Suite 101  
Lake Oswego, Oregon 97035  
(503) 684-6200 telephone  
(503) 684-3245 facsimile

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<sysdeliv@fn3a.prod.f  
edex.com>; FedEx  
<donotreply@fedex.c  
om>

To: <tammy\_simpson@bstz.com>  
cc:  
Subject: FedEx shipment 791771992402

02/12/2004 07:08 AM  
Please respond to  
FedEx

Our records indicate that the shipment sent from DEREK S. WATSON/BLAKELY  
SOKOLOFF ET AL  
to Monis Rahman has been delivered.  
The package was delivered on 02/12/2004 at 9:24 AM and signed for  
or released by E. HTA.

The ship date of the shipment was 02/11/2004.

The tracking number of this shipment was 791771992402.

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Tracking number 791771992402  
Signed for by E HTA  
Ship date Feb 10, 2004  
Delivery date/time Feb 12, 2004 9:24 am

Reference number 42390.P17214  
Delivered to Recipient  
Delivery location SOUTH WINDSOR CT  
Service type Priority Envelope

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Date/time	Status	Location	Comments
Feb 12, 2004	9:24 am Delivered	SOUTH WINDSOR CT	No signature required - release waiver on file
	9:24 am Delivered	SOUTH WINDSOR CT	No signature required - release waiver on file
	7:50 am On FedEx vehicle for delivery	WINDSOR LOCKS CT	
	7:30 am Arrived at FedEx Destination Location	WINDSOR LOCKS CT	
	7:09 am Arrived at FedEx Ramp	EAST GRANBY CT	
	4:45 am Left FedEx Sort Facility	MEMPHIS TN	
	2:16 am Left FedEx Sort Facility	MEMPHIS TN	
	1:21 am Arrived at Sort Facility	MEMPHIS TN	
Feb 11, 2004	7:05 pm Left FedEx Ramp	PORTLAND OR	
	6:35 pm Left FedEx Origin Location	TUALATIN OR	
Feb 10, 2004	6:55 pm Package status	TUALATIN OR	Package in FedEx location
	6:20 pm Pickup status	TUALATIN OR	Package received after FedEx cutoff time
	6:19 pm Picked up by FedEx	TUALATIN OR	

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<sysdeliv@fn3a.prod.f  
edex.com>; FedEx  
<donotreply@fedex.c  
om>

To: <tammy\_simpson@bstz.com>  
cc:  
Subject: FedEx shipment 790545818386

02/14/2004 02:59 PM  
Please respond to  
FedEx

Our records indicate that the shipment sent from DEREK S. WATSON/BLAKELY SOKOLOFF ET AL to Monis Rahman has been delivered. The package was delivered on 02/14/2004 at 11:00 AM and signed for or released by K.HUDA DAD.

The ship date of the shipment was 02/11/2004.


The tracking number of this shipment was 790545818386.

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[http://www.fedex.com/cgi-bin/tracking?tracknumbers=790545818386&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=790545818386&action=track&language=english&cntry_code=us)

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Track Shipments  
Detailed Results Quick Help

Tracking number	790545818386	Reference number	42390.P17214
Signed for by	K.HUDA DAD	Delivered to	Recept/Frnt desk
Ship date	Feb 10, 2004	Delivery location	LAHORE PK
Delivery date/time	Feb 14, 2004 11:00 am	Service type	Priority Pak

Date/time	Status	Location	Comments
Feb 14, 2004	11:00 am · Delivered	· LAHORE PK	·
	5:05 am · Package status	· LAHORE PK	· Released for Delivery
	3:54 am · Package status	· LAHORE PK	· Package available for clearance
Feb 13, 2004	4:42 pm · Left FedEx Ramp	· DUBAI AE	·
	2:37 pm · Arrived at FedEx Ramp	· DUBAI AE	·
Feb 12, 2004	8:44 pm · Arrived at FedEx Ramp	· PARIS FR	·
	8:41 pm · Arrived at Sort Facility	· PARIS FR	·
	3:50 am · Left FedEx Sort Facility	· MEMPHIS TN	·
	2:33 am · Left FedEx Sort Facility	· MEMPHIS TN	·
	2:22 am · Left FedEx Sort Facility	· MEMPHIS TN	·
	1:21 am · Arrived at Sort Facility	· MEMPHIS TN	·
Feb 11, 2004	7:05 pm · Left FedEx Ramp	· PORTLAND OR	·
	6:35 pm · Left FedEx Origin Location	· TUALATIN OR	·

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From:

To:

Add a message to this email.

Send email